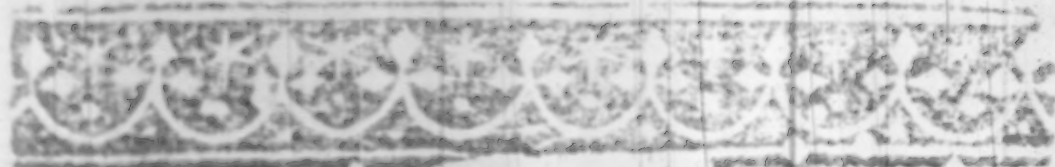


The Libertie

of the Charge Collected out
of the Lawes of this Realme
both necessary for Vicars
and Curates Com-
piled by John
Goodale.





When that any Cha-
pleyne of a free Chapell
of the kyng, kepeth any
concubyne, then the bys-
hop maye syte hym to
appeare befoze hym, &
correcte hym, & yf the Chapleyn purchase
any prohibicion for that the fre
Chapelles of the kyng oughte not to
be visite by the Bysshop yet bpon the
matter moued in the Chauncerye, the
Bysshop shall haue a consultacyon to
procede and to punyssh hym per pes-
nam pecuniariam.

Also in the statute de articulis cleri.
is conteyned, that when any matter is
proponed i courte chriſtiā, vnder these
termes, tythes and mortuaries, there
shall be had no prohibicion

And yf a parson sue in courte chriſti-
an for þ moyte of tythes of .iiii. organ-
ge of lande, whiche claymeth with the
aportenaunce perteynyng to his chur-
che of R. wherof he is persō in person,
whiche

which be not to value of y^e fourth par-
te of y^e churche, yf the other party doth
purchase an Inducit, surmyttinge
that they be to the value of the fourth
parte of the churche: nowe he y^e sueth
in Courte chrystian shal haue a con-
sultacyon to procede .&c. so that they
medle not of the auowson of any parte
of the churche, the prohibicio not with-
standyng

¶ Also yf a man do promyse to one
with his doughter i marriage .xl. mar-
kes, by occasyon wherof the partye do
marrye his doughter, yf he that promy-
sed the money wyll not pay it, he shal
be sued therfore in Courte Chrystyan,
and yf he purchase a prohibition, the
other partie shal haue a consultation
And yf he that promysed the Money
dyeth, yet the barone that marryed the
doughter, shal sue his executors for
the money, or y^e executors of his execu-
tors in courte chrystian for y^e money.

¶ Also yf any of the parochians dissur-

th. ii.

beth

3 beth any parson or vicar to carpe
his trythes .ac. by the hys wayes and
passages vnto, that person or vicar
maye sue in Courte Christian for the
same disturbance. And yf the other sue
a prohibition, the matter moued he
shall haue a consultacion.

1 ¶ If a person or vicar hath a pency-
on of an other churche, and the pency-
on is withdrawen of the other parson
both take it and clayme it, y parson or
vicar that ought to haue the pency-
on, may sue for it in Courte christian.

2 ¶ Also yf parson vicar, or mayster
of hoispytall sue for pencyon in Courte
christian, whiche they and theyr prede-
cessours haue had tyme without mys-
be, yf the other partye purchaseth a
prohibition .ac. yet vpon the matter
moued he shall haue a consultacyon,
and yet it semeth that vpon prescrip-
cion he maye maynteyne a wyrt of an
unyte at the comon lawe, but it is at
his owne eleccion. And yf the ones doth
sue

¶ Sue a bzylt of annuyte at the comon
lawe for that, and there doth declare
byon prescription. &c. then after that,
he shall not sue in Courte christian for
that annuyte by the name of pencyon,
and yf he do, it semeth that the partye
may sue a prohibition agaynst hym.

¶ A parson may sue in Courte christi-
an one spolyacyon agaynst an other
for takynge of his Tythes or of any
pencyon, whiche aperteyn to his chur-
che, albeie they clayme by severall pa-
trons, and of theyr severall presente-
mentes but that is to be understande
onely, where the tythes or profytes ta-
ken or spoyled do not amounte to the
value of the fourth parte of the chur-
che, for yf they clayme by severall pa-
trons, & the tythes or profytes or pen-
cyon so spoyled amounte to the fourth
parte of the churche, then the partye
grieved shall have an Indismit, for
that the tytle of patronage shall come
in debate. But yf they clayme by one be

50 **By** patron, and of his presentment,
then the Person shall sue spoliation
in Courte christian agaynst the other
Albeit the profytes amounte to the
fourth parte, or thyrde parte, or to the
moitie of the church, so that the tittle
of patronage shall not come in debate.
And yf a prohibition be sued vpon that
the partye shall haue a consultation.

A man hath his shepe fedynge and
foldynge in a paryshe for one yere, the
Person of the Paryshe maye sue in
Courte christian for the tythe of the
wole of the sayd shepe. And yf the par
tie sue a prohibition, the other shall
haue a consultation.

And note well that a consultacyon
shall be graunted and directed to the
partye selfe, whiche doth sue in courte
christian that he shall procede and sue
there, And also he may haue a consul
tacyon dyrected to the Judge, com
maundyng hym to procede, notwith
standynge y prohibition afore graunted

The

The Person shall sue þe executours
of his predecessour in Courte chꝛisti-
an for the delapidacion of his prede-
cessour and that some of money that
is founde by inquest charged by the
Bysshop or ordenary, the whiche the
dilapidacion amounte to, they shall
paye. And yf the executours sue a pro-
hibicion, the patty þe sueeth in Courte
Chꝛistian shall haue a consultation
directed to the Judge to procede, and
an other directed to hym to pursue, as
is afoze sayde.

A man doth withholde his tythes²
whiche he ought to pay for his shepe
that wente in his parylshe for halfe a
pere, and were ther fedynge and lyeng
by þe tyme, yf he dye, the Person maye
sue his executours for those tythes in
Courte chꝛistian and shall haue a con-
sultacion, yf the executours sue a pro-
hibicion.

A person by prescripcion maye clai-³
me tythes of calves & white meates of
beastes

7 beastes pasturyng i his paryshe from
the feast of the holy Trinite vntyll the
feast of seynt Peter called Aduincula.
And also the tythes of wolle comynge
of the shepe of his parychoners with-
in the sayd paryshe kyllled and deadd
from the feast of seynt Mychaell vnt-
tyll the feast of Easter yereley, and ty-
thes of honny and Ware comynge of
Bees and the hyues of, Bees within
the limites of his paryshe and maye
sue for them in Courte christian and
he shall haue a consultacyon yf he be
disturbed by a prohibition.

¶ A man maye sue in Courte christi-
an, where as one dothe Defame hym
and publyshe hym for false, or for an
aduoutre or for an viceret. &c.

¶ A prest maye sue in Courte christi-
an for layenge byolent handes vpon
hym, to haue hym excommunicate, or to
haue corporal penaunce for the same, but
not to haue any mēnyll for the same.

¶ A person may sue in Courte christi-
an

And for legacy where as a man dothe bequethe by wyll to the buyldynge of a churche, &c. Wyllynge, the Person shall sue for y^e the exrecutours in Courte christian, and he may sue the exrecutours for the atherages of the tythes due of the Wylls of the testatour in his lyfe in Courte christian.

And so maye the Wyllar sue for tythes of Bees and Otes cōmyng out of certayne places within the lymytes of his paryshe, and so he may sue for mortuary.

And so may he sue in Courte christian *an pro decimis pānagii proueniētibus de boio suo. &c. & pro pullanis proueniētibus de equicio suo*, and for butter, Chese, and whyte meates in tyme of wynter, but it semeth that it must be by prescription. And so it was accorded by y^e kynges counsell in the parliament at Shatum, y^e consultations ought to be had decilua sedua notwithstanding they be not renewed yere ly.

B.i.

And where

¶ Where a Pryour sueth a parson in
Courte churchean for t^{wo} partes of ty-
thes cōning of p^rlordshippes of. ii. wher
of the Pryour hath spoyled the layde
pyour for the whiche the Parson pur-
chaleth an Inducant in the chancery,
and sheweth that the tythes do not a-
mounte to the fourth parte of the va-
lue of the church, wherefore he shall
have the kynges wyrt dyrected to the
Bysshop to certifye the kyng in his
chauncery of the value of the church
of the Parson, and of the value of the
Tythes demanded by the Pryour,
thē Pryour shall have a cōsultacion.
And so it semeth by that wyrt, that
where an Inducant is sued. &c. p^r kyng
shall be certifyed by the letters of
the Bysshop upon wyrtte dyrected to
hym, what is the value of the church,
and what is the value of the Tythes
demanded in Courte churchean, before
that the cōsultacion be graunted, and
that semeth to be a good Rule and a
good

good wyll, so that no party shall be
deceyved. And yet that notwithstanding stand-
dyng, yf the Tythes amounte to the
fourth parte of the value of the Chur-
che, the Patron maye sue a Wylt of
ryght of tythes.

If a lay Patron wyll not offer at
suche dayes as be lympited in his pa-
ryshe to be offering daies, or wyll not
confesse hym to his curate, or receyve
the blessed body of our sauyour Iesus
christ of his curate, for the whiche the
curate doth lyte hym, and sueth hym
in Courte christian for the same, yf he
purchaseth a prohibition. &c. yet by-
on the matter moued a consultacyon
shall be graunted.

If the wardens of any charche has-
ne vnto tyme without ende to receyue
yrcely one pounde of waxe of one of the
tenementes within the towne to the
sustentacyon of a taper before the Cru-
cifix in the churche, and he that is Tes-
naut of the sayd tenement refuseth

to pay the laye pounde or were, the
wardens of the churche maye sue hym
in Courte chistian for the same poun
de of were, and yt he opteyne a prohibi
cion, the wardens shall have a con
sultacion.

A man is condēned in Courte chisti
an in a cause of defamacyon, by the
whiche he appeleth to the Courte of
Cantorbury, and there the sentence is
confirmed, and the patty condemned
in. xx. s. for costes, & the cause remyt
ted to the iudges, befoze whom it was
fyrst cōmenced, he that is condemned
sueth a prohibition, the other patty
shall have a consultacion.

A person withholdeth the goodes of
a paryshe Churche, and in his testa
ment he enioyneth his executours to
make deliuerance of y^e same goodes
to the parochians, they maye sue the
executours in Courte chistian for the
goodes, & yt the executours sue a pro
hibicion, the parochians shall have a

consultacyon, and that consultacyon
may be sued by any of the parochians
that wyl sue in Courte chrystyan.

¶ The Byshop or the Officiall of
theyr offyce do lyte a man for layenge
violent handes vpon a clarke, yf he sue
a prohibition, the other maye haue a
consultacyon, so that they punyssh
hym by the body and not by the purse.

¶ A mā in tyme of vacation of pparso-
nage or vicarage, wyl not pay hys ty-
thes, v̄ ordinary of his offyce doth ly-
te him for to pay them, yf he sue a prohi-
bicion, v̄ other shal haue a cōsultacion

¶ A man sueth in Courte chrystian for
takyng away and keepyng of his wyfe
whiche was lawfully maryed to hym,
yf the other partye sueth a prohibition
for that, he shal haue a consultacyon
for the restitution of his wyfe onely,
and yet he may haue an accyon at the
comon lawe for takyng away of his
wyfe and his goodes, or an accion of
trespass for takyng of his wyfe.

C. lvi.

C. lvi.

7
1
2
A man recover in Courte chrystian
an in a cause of defamacyon miles &
cotes, he shall sue therfor in Courte
chrystian, and yf the other sue a pro-
hibicion, he shall have a consultation.
A man is put to corpeorall penaunce
in Courte chrystian for a cause of defa-
macion, or layenge violent handes by
on a prest, yf the partie wyll redeme
his penaunce, and agreeth to pay to
the partie damnified a certayne some
of money by promyse, yf he afterwar-
de, wyll not pay that some of money
to the partie, the partie damnyfied
shall sue for the same in Courte chry-
an, and yf the other partie purchaseth
a prohibicion, he shall have a consul-
tacyon.

3
A parson by iugement is depriued
in Courte chrystian for his offence, and
the patron presenteth an other par-
son to the ordinary whiche doth sue the
first parson in Courte chrystian for
that he wyll not auoide the benefyce
his

But defendeth hym by appellacyon of
other matters, nowe yf the parson
purchaceth a prohybycyon, the other
maye sue a consultacyon, or without
any prohybycyon sued by the fyrst per-
son, the parson maye sue a wyrt in the
chancery to the iudges spiritual to
proceede in Courte chrystyan upon the
cause of his pztuacion and dyslabelle.
¶ If a man sueth in Courte chrystian
for a legacie, & hath processe agaynst
certayne parsons, as witnesses in the
cause, yf the wytnesses wyll sue a pro-
hibicion surmoyttinge & they be cyted
agaynst theyr wyll of the offyce of the
Iudge in Courte chrystyan, yet herto
whom he bequest is made shall haue
vpon & matter shewed a consultacion.
¶ Marke well that the iustices of the
kynges benche may graunt a consul-
tacyon of tythes as well as the lorde
chaunceller, and when the iustices do
graunte a consultacyon of Tythes of
spolycacyon they cause it to be endored
vpon

15
1
Upon the lybell in suche maner.

Dominus rex non habet cognoscere in foro ecclesiastico de spoliacione decimarum quatenus de iure patronatus seu de advocacione decimarum non agitur, and so they gyve no power by the endowment, and the rule in the registre is by those wordes.

2
Marke that the iustices do say that Tythes shall not be gyuen but upon thynges whiche profyteth rectly, and that by mans manurance, but that is agaynst the decretals.

3
Also agaynst consultacyon in case of defamacion by all the iustices, for that as it semeth to them, one may haue his accyon at the comon Lawe for defamacyon.

4
Also of cooles nor of quarries and other such lyke a man shall pay no tythes, nor of a giftment for that they shall gyve tythes of the Bealles that fede in that pasture.

A man maye sue in Courte charyng
an

an for goodes and chatels real beque
thed to hym, &c. as a Lease for terme
of yeares, or wardshyp but yf Landes
or Tenementes be bequethed he can
not sue in Courte chistian to recouer
them.

If the Testatour charge his execu-
tours to pay his dettes to his Credy-
tours, yf they do not pay, & credytours
maye sue therfore in Courte chistian
and the executors shall haue no pro-
hybicion.

A man gyueth goodes in maryage
with his Doughter, and after they be
deuorced, the same shall sue in Courte
chistian for those goodes, and the o-
ther shall haue no prohybicion.

Marke well that when a consultaci-
on is ones graunted duly, then the
Courte may procede in Courte chisti-
an, not withstandinge the partye pur-
chafeth a newe prohybicion dyrected
to them, yf the lybel be not chaunged.
Quod vnde per Statutu. 50. E. 4. Ca. 4.

C. i.

Also

7 Also the p^lay þ^e a cōsultacion oughte
not to be graunted properly, but in case
where men can not haue recovery by
the comen Lawe in þ^e kynges Courte.
¶ The Bisshop of his office syteth a
man to appere befoze his offycers for
fornicaciō. &c. or such other offences, &
the partie besēdeth hym selfe by appe
les, or suche other delays and by su
ynge of a p^{ro}hybycyon to the Courte
chrystyan, and after he forsaketh his
delays, & submytteth hym to the iud
ges of the Courte chistian, and they
delay to proced in those causes for the
veracion & delays and that the s^upte
of the p^{ro}hybycyon that þ^e defendaunt
had made befoze them, the partie shal
haue a W^{rit} dyrected to the Judges
spirituall, that they shall proced in the
cause of defamaciō, ad penā canonicā
imponēdā, & iⁿ causis submissionis. &c.
prouiso sēper q^{uod} quicquid iⁿ iuris n^{ost}re
guiderogacionē cedere valeat aliquall
ser per vos nullatenus attemptetur.

¶ The

The hersey patron presenteth an able parson to the ordenary, and the ordenary refuseth to admytte hym, and after an other disturbour presenteth to the ordenary another person to the same church and the ordenary doth admyt, institute, and inducte him, and after the hersey patron doth recover his presentement agaynst the dysturbour, wherby the presente of the hersey patron doth sue the presente of the disturbour in court chistian for to amoue and auorde hym, for the whiche he sueth a prohibition. &c. now the presente of the hersey patron shall haue a consultation to the court chistian in that cause, but the fyrst recorde in the comonbanke of the recovery or of the composition made there of the tyle of the presentement ought to be certified in the chauncery before that the consultation be graunted.

A man shall not haue a writ of Inhibition, before that the party haue a

C.ij.

lybell

lybell agaynst hym in the spyrytuall
Courte, and he must shewe the copy of
the lybel before that the Indicauit be
graunted, and the wyte of Indicauit
doth not lye, after that the iudgement
is gyuen in the spyrytuall Courte.

It semeth, that before the statute,
the right of tithes were determinable
in the temporall Courte of the kynge,
but now the statute altereth þe lawe.

By the registre it appereth þe every
spyrytuall person may sue a prohibici
on for them selfe and for theyr goodes
and for theyr farmours of theyr Lan
des, and for theyr goodes there, that
they shall not be taken by the kynges
purueyours nor theyr cariage or good
des shall be taken by other mynysters
of the kyng, and they may haue a spe
ciall cōmyssyon dyrected to certayne
persones to arrest suche purueyours or
mynysters, and to demaunde them be
fore þe kynges cōsel, to make answer
for theyr misgemeanour in that case.

¶

¶ If the tenants and possessours
of any Landes or tenementes within
any paryshe haue bled to fynde any
chapeleyne syngynge deuynne seruyce
in the paryshe churche tyme without
mynde, and after that, they withdra-
we hym, & wyll not fynde suche a cha-
peleyne, then the person and parochi-
ans shall sue agaynst them in Courte
chrystyan to fynde suche chapeleyne in
the churche, and yf the tenants and
possessours of the landes sue a prohi-
bicion upon the matter moued in the
chauncery the person and the parochi-
ans shall haue a consultacyon to pro-
cede. &c. by suche wordes. *Nobis sig-
nificamus quod in causa illa quate-
nus ad cantariam predictam ad pri-
sum statum & ad debitam punitionem
occasione subtractionis huius-
modi ridem. &c. imponendum per vos
agitur, licite procedere & viterius fa-
cere poteritis, quod ad forum ecclesia-
sticum non eritis pertinere, dicta pro-
hibicione*

Ciiij.

hibicione

h' d' clone nostra sen aliqua alia vobis
incausa predicta impoſterum dirigen
dum non obſtante. &c.

And ſo yf it be after the tyme wherof
is no memoꝝ, that is to ſay, in the ty
me of Rycharde the ſyꝛ, and before the
the ſtatute of Mortmayne, the perſon
and parochyans of the church ſhall
haue ſuche ſuete foꝝ the chauncery. &c.

And yf the parſon and parochians of
the church haue ſuche Landes and
poſſeſſion of Landes to fynde ſuche a
chapeleyn. &c. and he ſueth an inhibi
cion out of the the Courte of Cantor
bury oꝝ dothe appele to the Courte of
Cauntorbury: then the parſon and pa
rochians ſhall haue a ſpeepall wyꝛt to
the archebiſhop and his offycers, in
cauſa et proceſſu predicto coram vobis
incuria Cātuaſ virtute appllationis
p'dicte deuolutis quaten⁹ ad cātuaſ
ad debitū ſtatū reducere faciendū, et ad
debitam punitionem occasione ſuba
ſtractionis huiusmodi eidem. &c. impo
nendū

pendum et impuere faciendum, et ad
dictam sententiam in i, sam latam, si tunc
deducta fuerit in suo robore permane
refacientur per hos agitur, tunc proce
dere et ulterius facere poteritis. ac,
dicta prohibitione nostra non absente
If a man bequeth a cowe or a bul
locke to a churche for the reparation
of the same churche or of the churche
yard, and he that hath the Cowe or
the bullocke wyll not delyuer them to
the churche wardens, then the ordina
ry of his offyce, or the wardens of the
churche may syte hym and sue hym for
the detrynment of y Cowe or bullocke
and yf the other partie sueth a prohibi
tion, the churche wardens shal have
a specyall consultacion. l. vobis signi
ficamus quod in causa predicta qua
tenus ad restitutionem eisdem gradi
anis de legatis predictis in forma pre
dicta ad penam canonicam eidem imponendam
pro detencione eorumdem coram vobis
tantum agitur, licite procedere et ul
terius

23
terius facere poteritis, quod ad forum
ecclesiasticum. &c. prohibitionem nostra non
obstare. And yf he wyll not proceed, for
all that they may sue a tachment. &c.
In many cases a man shall haue a
speciall consultacion. As yf a parson
in Courte christian sue for rythes of
great trees, which passe the age of. xx.
yeres, and he maketh his lybel by the
name of Silue cedua nowe the partie
may shewe that in the kynges bench
or in the chauncery, that the trees wer
great trees passing the age of. xx. ye-
res. &c. and vpon that surmyle he shal
haue a peryall consultacyon to procede
so that it be de Silue cedua & not of
other trees which passe the age of. xx.
yeres in growyng, or of the age of. xx.
yeres, and se the statute therof in the
xlv. yere of Edward the thyrde, the
fourth chapitre.

A man hath a chapell witt in his
manner whiche is oure chaunterey do-
minacie or presentable. &c. and the cha-
peleyn

pleyne of that māner hath had the cy-
thes cōmyng of the demesnes of the
same māner, tyme wout munde. &c.
now yf the parson (wīn whose part he
the chapel is) sue y^e lord of the māner
and also the chapeleyn of the chapel
in courte chrystia for the cythes of the
sayde māner, they shal haue a prohibi-
on. &c. for that & a wōson of that cha-
pel may come to the kyng by reason of
warde or by reason of escheate. &c. then
the parson (withī whose part of the this
māner & chapel is) shal haue a speciall
wryt of Scirefacias agayn y^e lord
of the māner, and also agaynst the cha-
peleyn of the chapel returnable in the
chauncery at a certayne daye, to shew
there yf they haue any thyng to say.
Wherfore a consultacon shall not be
gratified, & the wryt of prohibition to
be reuoked & repeled, & also to do and
receyue that the courte wyll award in
that case. And in the fyne of the wryt it
shal be sayd th^{us}. Et hēasibi noia eorū

28 per quos elscire feceris. &c. & hoc bene
&c. which wyrt doth appere in þ regiff
in the ende of wyrttes of Significavit.

¶ If a mā be sued in courte chriſtiā for
the collacion of a ſcole of grāmer, & he
purchaſeth a phibicion, the other parte
ſhall have a conſultacion.

2 ¶ A mā knowlegeth i courte chriſtiā to
pay certayne det at a certayne daye, &
he payeth it not, wherfore the other ſu-
eth hym in courte chriſtiā, & there doth
accuſe hym he ſhal have a phibicion &
the other partie geteth no cōſultacion.

¶ A man is excommunicate befoze the
chaūceler of Oxeforde. &c. þ chaūceler
certifiech that excomunicacion in the
chaūcery. &c. by on þ certificat þ kyng
ſhall awarde a Significavit to þ Ge-
ryffe to take the body. &c.

¶ Vt a mā be sued in courte chriſtian
& he purchaſeth a phibicion, & delyuer
it, and þ not wſtandynge they ſue forth
wherby the deſendant ſueth an attach-
ment by on that phibicion & hangynge
the

the attachmēt the defendānt is exco- 42
municate in court christian, & the ex-
cōmunicacion certified in y^e chaūcery,
by vertue wherof a Significavit is a
warded agaynst the defendānt directed
to the Sheriffe to take hym: now the de-
fendant may come in to the chaūcery,
and shew how he had a prohibition, &
had a tachmēt vpon y^e agaynst the par-
tie, & hangynge y^e wryt of attachmēt,
he was so excōmunicated, now vpon
this he shall haue a superf. directed to
that Sheriffe reherfynge all y^e matter,
and to commaunde hym to surceise to
take hym, & yf he hath takē hym by that
occalyon y^e then he shall deliuer hym
Donec plitū dicti attachiamenti fuerit
discussū. &c. & this wryt shall go out of
the chaūcery, yf y^e attachmēt be not re-
turned in y^e kinges bench then he shall
haue y^e wryt of superf. out of y^e kinges
bench or out of y^e chaūcery at his pleasure
and it must appere by y^e certificat of the
bischop y^e heremayned excōmunicat. xl
D. ii. dayes

27. Dayes before the sig. was awarded.

¶ A mā is sued in court christiā, or the
bisskop sueth hym ex officio. & excomu-
nicateth hym, & certifieth it in to the
chauncery, & upon þ a signifi. is a war-
ded to þ the sheriffe to take hi, after that
the officiall certifieth in the chauncery
by his letters, þ he hath appeled from
his sētence to the cource of Cātorbury
&c. thē upon that certificat he shal ha-
ue a writ of superl, directed to the she-
riffe to her syngge how he hath appeled,
&c. and cōmaūdinge hym þ he surcesse
to take hym, pēdēte appellacionis ne-
gocio supradicto bellic, to surcesse vn-
tyl de cōsilio nro aliud inde duxerim⁹
ordinand. &c. & yf he hath takē him for
that cause, y thē the sheriffe shal cause
hym to be deliuered out of pryson. &c.

¶ The bisskop certifieth ito þ chauncery
that an other bisskop hath certyfied
hym þ one of his diocelis is excomuni-
cated, & so hath stuned. xl. dayes, this
certificat is voyde, and a significavit
shall

Shall not be gaunted ther vpon.

A mā is excommunicated by the bis-
shop, and after the vicar generall cer-
eifirith that in the chauncery, for þ the
bysshop is in remotis, wherupon a sig-
nificavit is awarded, and he is taken
by the body, & after þ he þ is taken by
his frēdes sheweth into the chancery
how he hath appeled to þ courtte of Cā-
torbury, which he sueth wē effecte: now
vpon þ surmyle he shal haue a writ to
the Sheriffe þ hath the partie excommu-
nicated i his warde, rehercyng þ mat-
ter, cōmaundyng hym þ he warnethe
bysshop or his vicar generall & hym þ
sueth the pces agaynst hym þ is ex-
communicated, to appere in þ chancery at
a cetyne daye, to shewe wherfore the
party excommunicated shal not be deli-
uered, pēdēte appellaciōe, & also to cau-
se the party excommunicate to come un-
der sure kepig to do that thyng which
the courtte wyl cōsyder i that behalfe.

Where as a man is a Clerke con-

D.iiij.

uicte

9. **W**rite for felony, and after maketh his
purgacion, now the bisshop certifieth
suche purgacyon made in to the chaun-
cery by his letters. &c. and upon that
he that is the clerke conuicted shal haue
a speciall writ out of the chauncery dy-
rected to the Sheryffe to restore to him
agayn his goodes and chatels.

Also the hyshe of the clerke for conuic-
te after his deeth shal haue lxxiiij writ to
haue his landes to hym deliuered, & in
the ende of such writ be these wordes.
Sine delacione, de gratia nostra spe-
ciali, wherby it cometh that these wor-
des be of a speciall be not wordes
of necessity but of forme for y^e honour
of the kyng, & that the kyng of englyt
ought to make suche restitution.

If a man demaunde his clergy before
the iustices, & redeth as a clerke, & af-
ter the ordinary is demaunded for, and
he cometh not, wherfore the iustices
comandeth the clerke to the gayle a-
gayn, now at the sute of the ordinary

or of the bicar general made to þe kyn-
ge or to his chaunceler he shall haue a
writ out of þe chauncery directed to the
iustices of þe gayle deliuerer, recyting
the matter. &c. commaunding them that
they commaunde þe gayles to deliuer the
pysoner to the ordinary. &c.

The wardens of a church shall haue
a writ of trespass for takinge awaye
the church goodes in theyr owne ty-
me, or in the tyme of theyr precessours.

The ordinary shall haue a writ of
trespass for those goodes which he
hath as ordinary, where as one dyeth
intestate, & those goodes be taken out
of his possession. i. of the ordinaryes
possession. for he shall haue no accyon of
trespass for the goodes take out of the
possession of him þe dyeth intestate, but
the administrator shall haue such accyon
of trespass.

If any of the clergy. or of the tēpo-
ral be becouered or lodged in any
Towre, and some of his goodes be tak-
en

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be fro lene by a straunger, he shal
have a bove of trespass upon his case
against the Tukeper.

¶ If man det & dyeth in estate, or his
rentours refuse to be encounter by
occasson of det & goodes come to the
baill & possession of the ordinary, then
the rentours shal be in det of det
against the ordinary.

¶ If the goodes be in the shades of
the ordinary & the ordinary be in
the custody of the baill & out of det
against the execution of the ordinary.

¶ The ordinary shal not have an ac-
tion of det against the baill & out of det
in det & dyeth in estate for that the
baill shal be in the custody of the ordinary and
not to the ordinary & before the ordi-
nary may count the baill & out of det
of the goodes, but it shal be in the custody of the
baill.

¶ Summarized by the authors

W. 29.

